

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

IMAGE RENT A CAR, INC.,

Chapter 7  
Case No. 11-42390 (NHL)

Debtor.

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**ORDER DISMISSING CASE PURSUANT TO 11 U.S.C. § 707(a)**

Upon the Amended Cross Motion to Dismiss Case [Dkt. No. 90], as supplemented [Dkt. Nos. 102, 104-106] (the “**Dismissal Motion**”) filed by Digby Adler Group LLC d/b/a Bandago (“**Digby**”) seeking, *inter alia*, the dismissal, pursuant to 11 U.S.C. § 707(a) for cause, of the bankruptcy case of Image Rent A Car, Inc. (the “**Debtor**”); and the Debtor having filed a response in opposition to the Dismissal Motion [Dkt. No. 109]; and Digby having filed a reply to Debtor’s response in opposition to the Dismiss Motion [Dkt. No. 110]; and Gregory Messer, Esq., the Chapter 7 Trustee (the “**Trustee**”) of the Debtor’s bankruptcy estate having filed a response in opposition to the Dismissal Motion [Dkt. No. 111]; and Digby having filed a reply to the Trustee’s response in opposition to the Dismiss Motion [Dkt. No. 112]; and Digby having also made a request for the Court to refer this matter for investigation pursuant to 18 U.S.C. § 3057 (“**Referral Request**”) [Dkt. Nos. 102, 104-106]; and Digby having filed supplemental papers to its Referral Request [Dkt. Nos. 125-131]; and a hearing having been held on February 5, 2014; and upon an adjourned hearing having been held on May 14, 2014 (the “**Hearing**”) matters pertaining to the Debtor’s case including the Dismissal Motion and Referral Request, the transcript of which is incorporated by reference; and Barbie D. Lieber, Esq., Lieber & Lieber, LLP, having appeared at the Hearing on behalf of Digby; and Gary F. Herbst, Esq. and Jordan Pilevsky, Esq., LaMonica Herbst & Maniscalco, LLP, having appeared at the Hearing as general counsel to the Trustee; and Daniel Gershburg, Esq., Daniel Gershburg, P.C., having appeared at

the Hearing as special counsel to the Trustee; and the Trustee having appeared at the Hearing; and Bruce Weiner, Esq., Rosenberg Musso & Weiner, LLP, having appeared at the Hearing on behalf of the Debtor, Schneior Zilberman, Adir Group, Inc., Adir Rent A Car, Inc., Adir Plaza, Inc., and Gad Sebag; and Richard Klass, Esq., Law Offices of Richard Klass, having appeared at the Hearing on behalf of Group Travel Solution, Inc.; and all the parties at the Hearing having consented to the dismissal of the Debtor's case; and the Court having found "cause" under 11 U.S.C. § 707(a) to dismiss the Debtor's case; and the parties having reviewed and consented to the terms of the instant order; and no additional notice being necessary or required; it is hereby

**ORDERED**, that the Debtor's case is dismissed pursuant to 11 U.S.C. § 707(a); and, it is further

**ORDERED**, that Digby shall pay the amount of \$1,125 to "David R. Maltz and Co., Inc." and delivered to their offices at 39 Windsor Place, Central Islip, New York 11722 so as to be received by no later than May 23, 2014, and such payment shall not be deposited until the entry of the instant Order; and it is further

**ORDERED**, that the Trustee and his professionals, including David R. Maltz and Co. Inc., shall take any and all necessary steps to have the Financed Vehicles (as that term is defined in a stipulation dated March 17, 2014 and denominated docket number 121-1) returned to their respective secured lenders; and, it is further

**ORDERED**, that the Trustee shall be authorized to return to Bruce Weiner, Esq., as counsel, all funds received as installment payments under that certain proposed settlement stipulation denominated as docket number 87-1; and, it is further

**ORDERED**, that this Court shall retain limited jurisdiction in connection with Digby's request to refer the Debtor's case for investigation under 18 U.S.C. § 3507(a) (previously defined as the "Referral Request); and, it is further

**ORDERED**, that the Trustee is authorized to do such things, execute such documents and expend such funds as may be necessary to effectuate the terms and conditions of this Order.

**Dated: May 23, 2014**  
**Brooklyn, New York**



*Nancy Hershey Lord*  
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**Nancy Hershey Lord**  
**United States Bankruptcy Judge**